

NRPF Network response to the Home Office call for evidence: the new Independent Appeals Body

NRPF Network
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Q6. Can you tell us of your experience of immigration and legal advice, including whether you have concerns around access, availability or capacity. [Maximum 1000 words]

The NRPF Network supports local authorities and other stakeholders to work effectively with people who have no recourse to public funds (NRPF). We provide specialist advice, guidance and resources for professionals supporting individuals and families with NRPF. We also operate NRPF Connect, used by 99 councils across the UK, which provides national data on people with no recourse to public funds who are being supported when social care duties are engaged. Collective data and our network's practice experience gives us extensive insight into the issues faced by people who need to access immigration advice.

Access to free, legal aid funded immigration advice is essential for people living in poverty and financial insecurity, especially those affected by NRPF conditions who have no access to the safety-net of welfare benefits and, in many cases, no right to work. Without this safety-net, individuals are reliant on overstretched local authorities and voluntary and community sector organisations to meet their basic needs. The inability to access timely immigration advice directly undermines an individual's ability to identify and pursue any available immigration pathways, including applications to regularise status or access routes that may lift NRPF conditions. It also affects their ability to receive advice and representation in relation to appeals, contributing to significant delays in resolving immigration status and often prolonging periods of destitution.

Since 2013, significant cuts to legal aid funding for immigration advice in England have removed many immigration matters from scope. This has had a disproportionate impact on people with NRPF, who are often unable to pay privately for legal representation. People with NRPF can experience financial hardship and homelessness and face substantial barriers to navigating complex immigration systems without specialist support.

These issues also have wider systemic consequences. Where individuals are unable to access timely immigration legal advice, delays in accessing advice compound with later delays in immigration decisions and appeals, leading to prolonged uncertainty over immigration outcomes. Where councils are providing accommodation and financial

support under statutory duties to prevent destitution, this results in extended reliance on local authority support.

NRPF Connect data illustrates both the scale and duration of this impact. In 2024–25, 91 local authorities provided accommodation and/or financial support to over 5,700 NRPF households (NRPF Network, 2025). Within this group, 30% of adults and 16% of families were supported for more than 1,000 days, with average support lasting 880 days for adults and 501 days for families. Councils commonly attribute these prolonged periods of support to delays in accessing immigration advice and immigration decision-making, including decisions on applications and appeal hearings.

Furthermore, limited access to legal advice can prevent individuals from making timely applications that would reduce the risk of homelessness and the need for local authority intervention, including applications to change conditions and lift the NRPF restriction, or applications under the Migrant Victims of Domestic Abuse Concession. In many cases, these routes would either prevent the need for local authority support altogether or significantly reduce the length of time councils are required to provide interim support until public funds is granted.

We consistently hear about significant challenges in accessing timely, high quality immigration legal advice. Local authorities frequently report shortages of legal aid-funded immigration advice in their regions, a concern reflected nationally and corroborated by external research, including Justice Together’s work examining the impact of legal aid funding arrangements on access to immigration advice (Jo Wilding, 2025). These shortages are particularly acute for individuals with complex immigration histories or unresolved status, for whom services report prolonged difficulties securing immigration advice and representation. Many of these cases involve multiple applications and require multiple advisers due to specialist nature of the work.

As a result of this lack of provision, many councils are increasingly funding immigration legal advice themselves to help address these gaps. While these measures can provide short-term relief, they are not a sustainable solution. Provision remains fragmented and inconsistent across regions, and insufficient to meet demand. The reliance on local authorities to fund immigration legal advice risks further entrenching inequalities between areas, depending on available local resources and capacity.

Q7. Do you consider changes are required to ensure early legal advice is a core part of the system to avoid delays and late claims, and to lead to better decisions? Please include any suggestions on how legal advice or representation could be improved. [Maximum 1000 words]

It is essential that legal aid funding for immigration matters is increased. Access to free advice and representation for those who have a low income should be a core and integral part of the immigration system. Reintroducing legal aid for a wider range of

immigration matters would improve the availability and geographic coverage of immigration advice providers and ensure more people can access free, early advice and representation for a wider range of applications.

Improved access to free legal advice would also improve the overall health and efficiency of the immigration system. It would help prevent individuals from making incorrect or poorly evidenced applications, which can lead to refusals, overstaying and additional challenges to regularising their immigration status later. Greater availability of funded advice would support better decision-making, reduce delays and avoid compounding immigration issues over time.

The government should prioritise expanding the scope of legal aid to include all immigration applications including those relating to family and private life, the EU Settlement Scheme (EUSS) and British citizenship, particularly for certain disadvantaged groups including:

- Families including dependent children supported by children's social care
- adults with care and support needs supported by adult social care
- care leavers aged 18 and over who remain supported by local authorities under leaving care provisions
- victims of domestic abuse

We also recommend that legal aid funding is extended to cover applications for a change of conditions to remove the NRPF condition from a person's leave and for applications for the Migrant Victims of Domestic Abuse Concession. These applications are often critical in preventing destitution and financial insecurity for households affected by NRPF. However, the lack of free legal advice means many people struggle to progress these applications and are reliant on limited pro bono services, where available. Better access to free advice and representation for change of conditions applications would reduce the number of households becoming destitute or homeless and, as a result, reduce the need for local authority intervention.

Extending legal aid to the groups and application types outlined above would help remove barriers which prevent individuals from resolving their immigration status and would help avoid prolonged reliance on councils for accommodation and financial support to prevent destitution. This would result in better outcomes for individuals, ease pressure on the immigration appeals system, and reduce costs and pressures on councils.

Q26. What should constitute a reasonable timeframe for deciding cases?

[Maximum 500 words]

In our view, a reasonable timeframe would involve applications and appeals being decided within months rather than years. This would provide certainty for individuals and enable councils to plan, manage, and where appropriate, end support in a timely way.

We are aware that many individuals experience an extremely lengthy process to resolve their immigration status. NRPF Connect data reveals that families and adults with NRPF receive local authority support for an average period of 880 and 501 days, respectively. In the majority of cases, outcomes are ultimately positive and support is ended due to a grant of leave to remain with access to public funds - 66% of families and 54% of adults who had support withdrawn in 2024-25 (NRPF Network, 2025).

However, delays arise at multiple stages, including accessing immigration advice, Home Office decision-making and the appeals process. Councils regularly report that appeal hearings alone can take over two years to be listed. In practice, this means that from first contact with a council, individuals may wait several years for their immigration status to be resolved.

Where councils are providing accommodation and financial support to alleviate destitution, immigration delays increase costs and can have serious impacts on individuals' health, wellbeing and ability to move forward with their lives. An effective immigration system must ensure that end-to-end timescales are reasonable, timely and proportionate, to avoid unnecessary harm and prolonged expenditure.

The impact of current delays is illustrated by these two case studies.

An 81-year-old woman with dementia and significant health needs has been supported under the Care Act 2014 since March 2023. A human rights application submitted in June 2023 was refused with a right of appeal in August 2024. An appeal was lodged in September 2024, but no hearing date has been listed. The prolonged delay has contributed to stress and poor mental health for her daughter, who provides care, while the council continues to meet subsistence costs of £58.60 per week. A timely resolution and grant of leave would enable access to public funds and healthcare, removing the need for ongoing subsistence support.

An individual with a long and complex immigration history dating back to 2000 has been awaiting an immigration appeal hearing since May 2024. His mental health has deteriorated significantly during this period, and he was detained under the Mental Health Act in December 2024. Since 2021, the council has provided accommodation and financial support at a cost of £448.50 per week, totalling over £23,300 to date, to meet his mental health-related care and support needs. A positive outcome would allow access to mainstream benefits and housing assistance, ending these ongoing local authority costs.

These cases demonstrate how prolonged delays within the appeals system have severe consequences for individuals and create avoidable financial pressures for councils, underscoring the need for clear and enforceable decision-making timeframes. The fact that significantly vulnerable people requiring local authority intervention have had to wait up to two years for a hearing is unacceptable and avoidable.

Q29. How should the new Independent Appeals Body prioritise or accelerate cases, and should it adopt a more codified approach to case management than exists in the current FTT-IAC? You may wish to comment on whether certain categories of cases might be appropriately prioritised or accelerated, and what safeguards, fairness considerations, or operational factors should be taken into account, and on reasonable timeframes for doing so. [Maximum 1000 words]

At the NRPF Network, we provide advice and guidance to councils nationally on their statutory obligations to support households with no recourse to public funds (NRPF) where statutory social care duties to children and families or adults with care and support needs are engaged.

Where individuals are without lawful immigration status, ongoing local authority support cannot be provided unless this is necessary to avoid a breach of human rights. However, case law has established that where an immigration application or appeal is outstanding, and removal is not currently possible, councils are required to continue providing support.

Many councils are supporting NRPF households with outstanding appeals who are experiencing significant delays while awaiting a hearing, in some cases exceeding two years. These delays result in individuals remaining dependent on council support for longer periods, leading to increased costs for local authorities.

In addition, if proposed reforms to implement provisions of the Immigration Act 2016 relating to appeal-rights-exhausted families and care leavers are commenced, this is likely to place further pressure on council resources. Under the proposed framework, councils would be responsible for supporting families seeking asylum who are appeal rights exhausted, including where support is required while an Article 8 appeal is pending. If the government proceeds with implementing this framework, it should consider how the impacts on councils will be mitigated, including by ensuring that appeal hearings are not subject to lengthy delays.

In 2024–2025, 91 local authorities using NRPF Connect supported 5,724 NRPF households at an annual cost of £94 million, using statutory powers under legislation such as the Children Act 1989, the Care Act 2014, or under equivalent legislation in the devolved nations (NRPF Network, 2025). Of those supported, 44% of adults and 39% of families had no current immigration permission. The average duration of support was lengthy - 880 days for adults and 501 days for families. We know from the casework

support we provide to councils using the system, these prolonged support periods were often caused by delayed outcomes on immigration applications.

We frequently receive enquiries from councils using NRPF Connect who are encountering these challenges and seeking advice whether appeal hearings can be expedited. Councils report that under current tribunal rules, it does not appear that an appeal can be expedited on the grounds that a person is being financially supported by their local authority. While requests to expedite appeals can theoretically be made in exceptional circumstances, we hear anecdotally that such requests often receive no response from the tribunal. Furthermore, the effectiveness of these requests is reliant on the capacity of immigration legal advice providers to submit these on behalf of clients.

In our view, a new independent appeals body should have a clear and transparent approach to managing cases. There should be a straightforward and accessible process for requesting that an appeal hearing is expedited, with published criteria and clear expectations about how and when such requests will be considered.

Certain cases should be prioritised or fast-tracked, particularly where:

- an individual or household is being supported by a local authority under statutory social care duties
- individuals are homeless or at risk of homelessness
- delays are contributing to ongoing destitution, safeguarding concerns, or significant impacts on health and wellbeing.

Prioritising these cases would help councils to reduce prolonged reliance on emergency support and limit risks to individuals caused by lengthy periods of uncertainty.

Overall, a published case management approach that clearly sets out how cases are prioritised and the expected timeframes for appeal hearings would improve efficiency and reduce avoidable harm. This should be supported by clear safeguards to ensure fairness, including transparency in decision-making, consistent use of criteria, and clear reasons being given where requests to expedite appeals are refused.