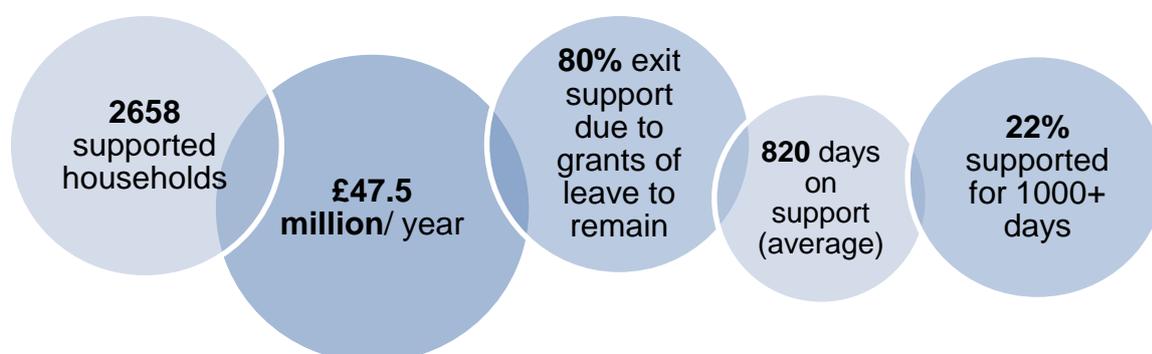


Overview

Local authorities have legal duties to safeguard the welfare of children, young people leaving care and vulnerable adults. This includes providing accommodation and financial support when a person has no recourse to public funds (NRPF) and is excluded from mainstream benefits due to their immigration status.



Data source: NRPF Connect March 2019 (59 councils) [1]

Challenges

Local authorities receive **no funding from central government** to provide this support, despite the fact that the existence of this essential safety-net enables the Government to exclude certain migrant groups from accessing mainstream benefits.

With **80% of households** exiting local authority support due to grants of leave to remain with recourse to public funds, the length of time that a person or family requires support will be dependent on the outcome of Home Office decisions. The lack of legal aid for immigration matters, high immigration application fees and lengthy appeal processes all contribute to delays in achieving this outcome, with households supported on average for **longer than two years**.

Additionally, many immigration policies give rise to child poverty and homelessness, and hinder integration. It is challenging for local authorities to prevent homelessness and establish prosperous and safe communities when a significant proportion of residents are economically disadvantaged, unable to effectively integrate and are forced to rely on safety-net services provided by social services at considerable expense to the taxpayer.

When EU free movement ends, EEA nationals will become subject to the UK's Immigration Rules. Those who fail to obtain leave to remain under the EU Settlement Scheme and future arrivals may also be at risk of destitution if they are excluded from mainstream services.

Recommendations for government

The Government should take immediate action to mitigate the financial impact of providing essential safety net support to NRPF households supported by local authorities:

- Conduct a one-off exercise to systematically grant indefinite leave to remain to individuals or families whose immigration matter is outstanding
- Provide financial compensation to local authorities for costs incurred by supporting individuals and families who are restricted from accessing public funds by their immigration status

To reduce the risk of people experiencing destitution and to ensure that social services' support operates as a short-term safety net, the following changes are required:

- Reinstate legal aid for all immigration matters
- Not to impose the NRPF condition when leave to remain is granted on family or private life grounds (new and subsequent grants)
- Provide people who have been accepted as having a future in the UK on human rights grounds with a shorter route to settlement (rather than the 10-year route)
- Reduce citizenship fees and introduce a fee waiver or exemption for children in care and children in low income families, including those receiving social services' support
- Exempt people receiving social services' support from secondary and community NHS charges
- Ensure applications for asylum support are processed promptly where otherwise the local authority would incur costs of providing support
- Ensure that immigration claims made by households receiving support are expedited by Home Office casework teams
- Ensure that the arrangements for EEA nationals post-Brexit do not put more people at risk of destitution when free movement ends and they become subject to the UK Immigration Rules

Some similar recommendations have also been made by the Housing and Local Government Select Committee and the APPG on Ending Homelessness. [2]

References

[1] <http://www.nrpfnetwork.org.uk/Documents/NRPF-connect-annual-report-2018-19.pdf>

[2] <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1638/163802.htm>;
https://www.crisis.org.uk/media/239050/appg-for-ending-homelessness-report_final.pdf

[3] <https://www.gov.uk/government/statistics/rough-sleeping-in-england-autumn-2018>

Background information

What is NRPF?

No recourse to public funds (NRPF) is an immigration condition prohibiting access to most benefits, as well as homelessness assistance and a local authority allocation of social housing.

Other publicly funded services are **not** treated as 'public funds' for immigration purposes.

Who has NRPF?

A person will have NRPF when they are a national of a non-EEA country and have:

- Leave to remain with the NRPF condition
- Leave to remain subject to a maintenance undertaking e.g. adult dependent relative
- No current immigration permission e.g. a visa overstayer

In 65% of households supported by social services, the main applicant is living in the UK without any immigration permission and is generally not pursuing an asylum claim. [1]

EEA nationals

European Economic Area (EEA) nationals and their family members are not subject to the NRPF condition but may face restrictions on accessing benefits and housing if they are not economically active. These restrictions will continue to affect EEA nationals granted pre-settled status (limited leave to remain) under the EU Settlement Scheme but those who obtain settled status (indefinite leave to remain) will be eligible for benefits.

What services can be accessed?

A person's immigration (rather than NRPF) status may be a relevant factor when establishing their entitlement to services which are not 'public funds' for immigration purposes.

Examples of services that **can** be accessed by a person with NRPF:

- Primary healthcare, including GP services
- Free secondary NHS treatment - if in a group that is exempt from charging
- Free prescriptions and dental care - if exempt from charges or on a low income
- Accommodation and financial support from social services - see below
- A care package from social services - see below
- Bed space in a night shelter or hostel - alternative funding to housing benefit may be required

Services for children

Children in NRPF families **may not** be able to access:

- Free school meals and school uniform grants if not universally funded
- Free early years childcare for 2-year olds, additional 30-hours for 3-4 year olds and tax-free scheme for working families

This also applies if the child is a British citizen.

Social services' support for people with NRPF

Local authorities may provide accommodation and financial support to people with NRPF when general safeguarding duties are engaged:

- Families with children under 18 - Section 17 of the Children Act 1989
- Adults with care and support needs – the Care Act 2014
- Young people leaving care – the Children Act 1989

(Equivalent legislation applies in Scotland, Wales and Northern Ireland.)

The local authority will conduct a child in need or community care assessment to establish eligibility and may provide interim support whilst assessments are pending.

For people who are in breach of immigration laws (e.g. a visa overstayer), and EEA nationals, the local authority may not be required to provide support when the person can return to their country of origin in order to avoid a situation of destitution in the UK. A human rights assessment will also be completed by the local authority to establish whether there is a legal or practical barrier preventing the person from returning.

Preventing homelessness and rough sleeping

Vulnerable adults may experience significant statutory support gaps, including victims of modern slavery, trafficking or domestic abuse, and rough sleepers with complex needs. Non-UK nationals made up 25% of rough sleepers recorded on the last national street count in autumn 2018, the majority of these being EEA nationals. [3]

The Homelessness Reduction Act 2017 and Homelessness code of guidance require local authorities in England to take steps to assist groups who are ineligible for homelessness assistance by providing information and appropriate signposting, and to account for these groups within their homelessness strategies.

NRPF Network resources to support local authorities

For more information, please refer to our free information and good practice resources:

- Practice guidance endorsed by the LGA and ADCS
- Factsheet: Helping EEA & Swiss residents to protect their rights after Brexit
- Factsheet: NHS treatment for people with NRPF
- Support for migrant families - web tool providing tailored information
- Triple Pathway Planning guidance funded by DfE – in development

NRPF Connect database - used by 65 local authorities across England and Scotland to obtain immigration status information from the Home Office and prioritise the resolution of supported cases. This collective data provides evidence of the financial pressures experienced by local government in providing essential safety net support and to highlight the need for policy change.

www.nrpfnetwork.org.uk