

**Local Authority duties to people with No Recourse to
Public Funds (NRPF)**

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Definition

No Recourse to Public Funds is defined as:

- A person subject to immigration control; and
 - Has no entitlement to welfare benefits, public housing or HO asylum support; and
 - Does not have the right to work*
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- People with NRPF are not entitled to support from Housing Services, it therefore falls to Social Service departments to assess a person's need for support.

Right to work:

- Individuals granted leave as spouses, unmarried partners or civil partners and those with valid work visas are permitted to work.
- A8 nationals are required to register their first 12 months of employment under the *Worker Registration Scheme*. After 12 months employment in the UK, A8 nationals have the same rights as other EEA migrants.
- A2 nationals have further restrictions to residing and working in the UK. A2 nationals must apply for *accession worker cards*. Self-employed or self-sufficient A2 nationals are not required to apply for the accession worker card.



NRPF! What's all this about?

Complex Legislation

Misunderstanding of Entitlements

Lack of Policy Guidance

Conflicts between LA Offices

Service Gaps

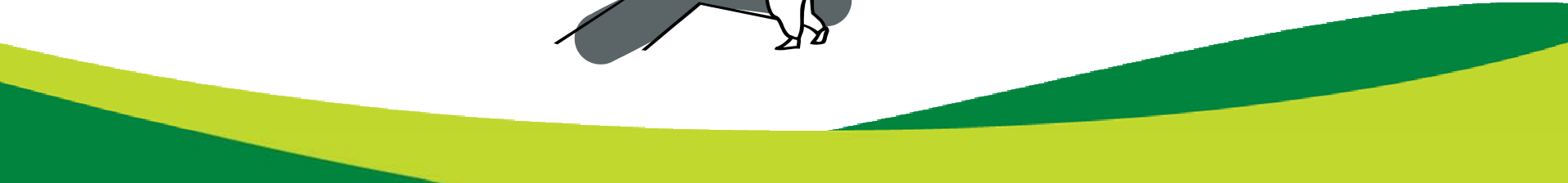
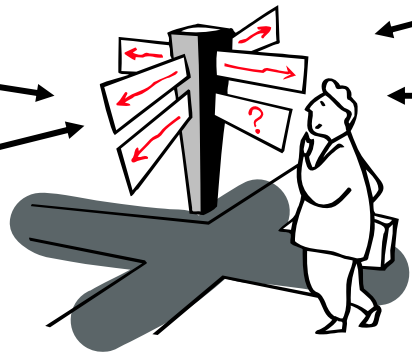
Voluntary Return

Restrictions to Support

Safety

Vulnerability

Destitution



Local Authority NRPF Clients

In terms of immigration status:

- Refused asylum seekers
- Asylum seekers
- Visa overstayers
- Spousal visas
- Student visas
- A8 and A2 migrants

Particular concerns around NRPF clients:

- Domestic violence
- Mental health
- Physical health
- Children and families
- Leaving care provisions

Statutory duties to people with NRPF

- Local authorities have a duty to provide support to people who have a need for care and attention which is not otherwise available to them. (Section 21 of the National Assistance Act 1948)
- There is also a general duty to safeguard and promote the welfare of children who are in need and... to promote the upbringing of such children by their families. (Section 17 Children's Act 1989)
- For four groups of migrants, support can only be provided if it is necessary to prevent a breach of their human rights. (Schedule 3, Nationality Immigration and Asylum Act 2002)

Exclusions to support

Schedule 3 of the Nationality Immigration and Asylum Act 2002 excludes four categories of people from social services support:

1. Person granted **refugee status** by another EEA state
2. An **EEA national** and any dependants
3. A failed asylum seeker who has **failed to comply with removal directions**
4. A person unlawfully present in the UK

N.B. Exclusions are not applicable to children

Unless the withholding or withdrawal of support will constitute a breach of Human Rights

Assessing Eligibility

In assessing eligibility for assessment a local authority should establish:

- Territorial responsibility
- Immigration status of applicant
- Whether exclusions to social services support apply
- Eligibility for temporary accommodation

S47 NHSCCA Assessments – Single Adults

General Considerations

- The duty to assess arises where there is an appearance of need, not on the likelihood of entitlement to services (R v Bristol cc ex p Penfold 1998)
- The local authority has the power to provide emergency accommodation pending assessment (s47 (5) NHSCCA 1990)
- UKBA asylum support cannot be considered as ‘support otherwise available’ (AW v LB Croydon and A, D and Y v Hackney (2005))
- Apply the correct test – a need for ‘care and attention’ not Fair Access to Care criteria (R (N) v Lambeth LBC (2006))
- ‘Care and attention’ means a need for ‘looking after’ (M V Slough (2008))

Human Rights Assessments

- A HRA should be completed on EEA migrants who cannot support themselves and become destitute to ensure that withholding or withdrawing services or offering tickets home would not be a breach of their human rights.
- The local authority may purchase travel tickets for EEA nationals or families to their country of origin (under the Withholding and withdrawal of support (travel assistance and Temporary Accommodation) Regulations 2002, again providing this would not be a breach of their human rights.

A8 and A2 nationals

- If the person is exercising any of their treaty rights, local authorities will need to consider whether provision of assistance under Section 21 NAA or Section 17 CA is *necessary* to prevent a breach of those rights. Matters to consider include:
 - Can the person support themselves as a worker?
 - Are they able to obtain benefits or are they eligible for social housing?
 - Can the person seek work in the UK from the country of origin?
 - Could you assist the person in becoming a registered worker if they are an A8 national?

A8 and A2 nationals

- Many of the issues accession state nationals face, mirror those experienced by previous generations of migrants, including asylum seekers and refugees.
- Particular problems have arisen around employment practices, housing and welfare benefit entitlements and there is increasing indication from community outreach teams of rising levels of destitution.
- Broadly speaking, a lack of understanding of UK systems and structures combined with a lack of English language skills acts as a barrier to accessing services and increases vulnerability to exploitation.

Establishing NRPF network

- To share information and good practice amongst local authorities and other agencies working in this area
- To work with Government departments to raise the practical and policy issues of NRPF
- To facilitate the reimbursement for local authorities of the costs of providing support to people with NRPF
- To develop a strategic response to people with NRPF

Current Network Activities

- Policy work with UKBA
- Developing practice guidance for local authorities
- Conducting training
- Conferences and events
- Responses to government consultations and research reports
- Conducting primary research on the scale and nature of NRPF issues
- Briefing Network members on updates in the NRPF field
- Responding to enquiries – information service

Additional policy concerns

- Domestic violence
- Assisted Voluntary Returns
- Looking at ways to improve joint working with the UKBA and a strategic approach to NRPF:
 - *Information sharing between authorities in regards to fraud*
 - *Better working relationships and protocols required*
 - *Better intelligence sharing to facilitate the resolution of cases*

NRPF Network Web Resources

- Good practice guidance for local authorities
- Definitions
- Policy and research papers
- Details of events and conferences
- Resources
- Frequently Asked Questions (FAQs)
- Archive of NRPF Network Briefings
- Regional Network details including meeting minutes
- Minutes of NRPF Network Steering Group minutes
- www.islington.gov.uk/nrpfnetwork

Contact Details

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