

**Families with Children who have No Recourse to Public Funds  
Birmingham and Midland Institute  
1<sup>st</sup> July 2008**

**Conference Report**

**Introduction**

The Families with Children who have No Recourse to Public Funds (NRPF) Conference, held at the Birmingham and Midland Institute on 1<sup>st</sup> of July 2008, was the second of four events hosted by the NRPF Network and the Red Cross addressing specific issues relating to destitute people from abroad with no recourse to public funds.

Subsequent conferences this year will address the issues of domestic violence and access to healthcare.

The conference was attended by over 100 delegates from a range of sectors and organisations: 51% from local authorities, 46% from the community and voluntary sector, 1% from health services and 2% from central government.

**Presentations were given by a panel of experts, including:**

- Carey Baff – Operational Manager, Children’s Services, Birmingham City Council
- Frank Hughes – Deputy Director, UK Borders Agency, West Midlands, East Midlands and East of England
- Lisa Nandy - Policy Adviser, Children’s Society
- Allan Norman – Principal Social Worker / Solicitor, Birmingham Law Centre

These were followed by questions & answers and four workshops, looking at case studies of visa overstayers, accession state nationals, asylum cases where one parent has assessed care needs and a refused asylum seeker who gives birth in the UK.

**Aims & objectives**

The event aimed to:

- stimulate discussion on the issues relating to supporting families with children who have no recourse to public funds (NRPF)
- consider eligibility for services, barriers to accessing and providing local authority assistance and complex cases, including the limitations placed on local authorities by immigration legislation and child safeguarding duties

- promote cooperation between local authorities, the voluntary sector and central government

## **KEY ISSUES**

Key issues highlighted at the event included:

- Difficulties associated with the transition between UKBA support and local authority support on being granted status
- All rights exhausted refused asylum seekers who have a child after the ARE date not being eligible to claim UKBA support
- The potential of the New Asylum Model and case resolution to increase NRPF problems in the short term
- The 'limbo' situation of some nationals not being able to return to their country of origin, yet being unable to work or access mainstream benefits
- The difficulties of contacting case owners within the UKBA
- The length of time it takes for Section 4 support to be issued

## **PRESENTATION SUMMARIES**

### **Carey Baff – Operational Manager, Children’s Services, Birmingham City Council**

Carey outlined the legal framework in which local authorities determine eligibility for services and conduct assessments for families with children who have NRPF. She highlighted the political pressures facing councils, particularly with the rise of extremist political parties. She also highlighted the limited funds available to social services departments to provide services to NRPF clients. Of particular concern to local authorities is the conflict between child safeguarding duties and immigration legislation, particularly in domestic violence cases.

This presentation can be accessed using the following link and scrolling to the bottom of the page:

### **Frank Hughes – Deputy Director, UK Borders Agency, West Midlands, East Midlands and East of England**

Frank outlined the current work of the UKBA, its current achievements and targets for the near future. In February 2008 the UKBA launched a three year strategy to improve confidence in the department. The department is implementing a large programme of changes including introducing a points system for migrants entering the country to work, fines for employers who employ migrants who are unlawfully in the country, closing down legacy asylum cases and allocating every case to a case owner. Future programmes will focus on deporting criminals, counting foreign nationals in and out of the country and making 'quicker, fairer and firmer' asylum decisions.

Frank stated that there was no reason for people subject to immigration control to be destitute because support was available either through Section 95 or Section 4. There are two schemes run by the International Organisation for Migration (IOM) for those who want to return home – the Voluntary Assisted Return Programme (VARP) for refused asylum seekers, and the Assisted Voluntary Return for Irregular Migrants (AVRIM). In regards to

domestic violence, he stated that government policy is being considered and that they are committed to finding a permanent solution.

**Lisa Nandy – Policy Adviser, Children’s Society**

Lisa highlighted the increasing number of destitute asylum seeking children presenting to Children’s Society projects. She referred to research conducted by the Children’s Society on destitution in Birmingham amongst refused asylum seekers: *Living on the Edge of Despair: Destitution amongst Asylum Seeking and Refugee Children*. Some of the reasons they became destitute included poor quality or lack of legal advice, and confusion over entitlements. You can access the report summary here: <http://tinyurl.com/5ftkfu>

Lisa pointed to the planned simplification of immigration law, with the consolidation of immigration legislation post-1971 in a single Act of Parliament. This represents an opportunity to remove the complexities of existing legislation.

Lisa acknowledged the difficult position of local authorities working in a field where children’s and immigration law conflict. This is particularly the case in relation to Section 9. The Children’s Society worked with the Association of Directors of Social Services (ADSS) to overturn this policy. However, she also noted some concerns including the lack of consistency across local authorities and difficulties associated with voucher systems.

**Allan Norman – Principal Social Worker / Solicitor, Birmingham Law Centre**

Allan provided a historical background to NRPF and how government policy and court rulings have shaped the field.

Allan highlighted the importance of understanding the different categories of people subject to immigration control in order to know how to get support for them. He also provided a social work perspective on this issue, noting that children may be at risk of harm whether they are subject to immigration control or not. By diverting a family’s concerns to immigration teams within local authorities, children’s needs may go unnoticed.

This presentation can be accessed using the following link and scrolling to the bottom of the page:

**Participant feedback**

The event was very well attended, with over 100 participants travelling to Birmingham from across the UK. There was a particularly large presence from the voluntary sector. Participants gave positive feedback on the whole and valued in particular the panel of speakers and the opportunity to discuss some of the issues in the workshops.

Some suggestions which we will take forward in planning future events include increasing the length of events, recommending preparatory reading material, providing greater opportunities for networking and asking speakers to use microphones at all times.